

1 James W. Paul (State Bar No. 90133)  
Leonard D. Messinger (State Bar No. 86427)  
2 Jennifer L. Webber (State Bar No. 204211)  
FULWIDER PATTON LLP  
3 Howard Hughes Center  
6060 Center Drive, Tenth Floor  
4 Los Angeles, California 90045  
Telephone: (310) 824-5555  
5 Facsimile: (310) 824-9696  
Docketla@fulpat.com

6 Attorneys for TIERRACAST, INC.  
7

8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **SAN JOSE DIVISION**

\*E-FILED - 11/9/06\*

12 TIERRACAST, INC., a California  
Corporation,

13 Plaintiff,

14 v.

15 EASTERN FINDINGS  
CORPORATION, and Does 1 through  
16 10,

17 Defendants.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CASE NO. C 06 4930 RMW(RS)

STIPULATED REQUEST TO  
EXTEND CASE MANAGEMENT  
DEADLINES AND TIME TO  
ANSWER COMPLAINT;  
[PROPOSED] ORDER

1 WHEREAS, Plaintiff TierraCast, Inc., and Defendant Eastern Findings  
2 Corporation entered into a stipulation to extend the original time to answer the  
3 Complaint to October 16, 2006;

4 WHEREAS, Plaintiff TierraCast, Inc., and Defendant Eastern Findings  
5 Corporation entered into a second stipulation to extend the original time to answer  
6 the Complaint to October 30, 2006;

7 WHEREAS, the parties through their respective counsel are engaged in good  
8 faith discussions to try to amicably resolve this matter and believe settlement in  
9 principle has been achieved;

10 WHEREAS, in a telephone conversation with counsel for Defendant, counsel  
11 for Plaintiff has agreed to an additional thirty (30) day extension of time for Eastern  
12 Findings Corporation to respond to the Complaint;

13 WHEREAS, in a telephone conversation between counsel for Defendant and  
14 counsel for Plaintiff, the parties stipulated to extend all case management dates by  
15 an additional thirty (30) days;

16 THEREFORE, IT IS HEREBY STIPULATED by the parties, by and through  
17 their respective counsel of record that Eastern Findings Corporation shall have up to  
18 and including November 29, 2006, to answer, move, or otherwise respond to the  
19 Complaint.

20 IT IS FURTHER STIPULATED that all case management deadlines are  
21 extended by an additional thirty (30) days;

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 IT IS FURTHER STIPULATED that, in entering into this stipulation, neither  
2 party is waiving any other rights and/or remedies and/or objections that it may have  
3 under the law, all of which are expressly reserved.  
4

5 DATED: October 27, 2006

Respectfully submitted,

6 FULWIDER PATTON LLP  
7  
8

9 By: /s/ Jennifer Webber

10 James W. Paul

Leonard D. Messinger

11 Jennifer L. Webber

12 Attorneys for TIERRACAST, INC.  
13

14 DATED: October 27, 2006

Respectfully submitted,

16 OBLON, SPIVAK, MCCLELLAND, MAIER  
17 & NEUSTADT, P.C.  
18

19 By: /s/ Jonathan Hudis

20 Jonathan Hudis

21 Attorneys for

22 EASTERN FINDINGS CORPORATION  
23  
24  
25  
26  
27  
28

**~~PROPOSED~~ ORDER**

The dates for the initial Case Management Conference, the parties selection of ADR method, and deadlines for filing the discovery plan, initial disclosures and case management statement are extended as follows:

November 27, 2006 - ADR Certification with Stipulation or Notice for Need of ADR Phone Conference (Local Rule 1608(b)(e)) filed with Court.

November 27, 2006 - Last day for parties to confer pursuant to F.R.C.P. Rule 26(f) meeting.

November 29, 2006 – Defendant to Answer or otherwise respond to Complaint.

December 8, 2006 - Last day to file discovery plan and Initial Disclosures, file and serve Case Management Statement.

December 18, 2006 - Date of Initial Case Management Conference.  
15 (rmw)

**IT IS SO ORDERED.**

DATED this 9 day of November, 2006.

/s/ Ronald M. Whyte

The Hon. Ronald M. Whyte  
United States District Judge